

Department of Legislative Services
 Maryland General Assembly
 2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 616
 Health

(Delegate Cullison)

Health Services Cost Review Commission – Health Facilities – Jurisdiction and Rate Setting

This emergency bill expands the jurisdiction of the Health Services Cost Review Commission (HSCRC) to include, and requires HSCRC to consider, all costs incurred or expenditures made by a facility in connection with the operation of the facility, including costs to employ or contract with physicians or other professional providers for which the facility does not receive corresponding offsetting professional revenue. These factors must be considered as part of HSCRCs duties to: (1) keep informed as to whether a facility has enough resources to meet its financial requirements; and (2) to assure each purchaser that total costs of all hospital services are reasonable, aggregate rates are reasonably related to aggregate costs, and rates are set equitably.

Fiscal Summary

State Effect: HSCRC special fund expenditures increase beginning in FY 2026 for contractual costs, as discussed below. Special fund revenues increase by an indeterminate amount beginning in FY 2027 to the extent HSCRC increases user fees. To the extent the bill increases hospital rates, Medicaid expenditures (50% general funds, 50% federal funds) increase (potentially significantly) beginning as early as FY 2027, as discussed below. Federal fund revenues increase accordingly.

(in dollars)	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
SF Revenue	\$0	-	-	-	-
FF Revenue	\$0	-	-	-	-
SF Expenditure	\$350,000	\$250,000	\$50,000	\$50,000	\$50,000
GF/FF Exp.	\$0	-	-	-	-
Net Effect	(\$350,000)	(\$250,000)	(\$50,000)	(\$50,000)	(\$50,000)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: HSCRC is an independent commission within the Maryland Department of Health (MDH) established to contain hospital costs, maintain fairness in hospital payment, provide access to hospital care, and disclose information on the operation of hospitals in the State. HSCRC was responsible for implementing the Total Cost of Care Model, the successor to the Maryland All-Payer Model Contract and will implement the Achieving Healthcare Efficiency through Accountable Design (AHEAD) Model from 2026 to 2034 to continue statewide efforts to improve health care quality and control costs.

HSCRC is funded through user fees assessed on hospitals and related institutions whose rates have been approved by the commission. User fees must be used exclusively to cover the actual documented direct costs of fulfilling the statutory and regulatory duties of HSCRC, including administrative costs incurred by MDH on behalf of the commission. HSCRC must assess each facility by June 30 each year.

HSCRC must:

- require each facility to disclose publicly its financial position and the verified total costs incurred and revenue generated by the facility in providing health services;
- review for reasonableness and certify the rates and revenue of each facility;
- keep informed as to whether a facility has enough resources to meet its financial requirements;
- concern itself with solutions if a facility does not have enough resources;
- assure each purchaser of health care facility services that: (1) the total costs of all hospital services offered by or through a facility are reasonable; (2) the aggregate rates of the facility are related reasonably to the aggregate costs of the facility; and (3) rates are set equitably among all purchasers of services without undue discrimination;
- develop guidelines for the establishment of global budgets for each facility;
- receive confirmation that facility global budget agreements, as they are developed, are consistent with the guidelines; and
- after review by HSCRC for compliance with the guidelines, post each executed global budget agreement on the commission's website.

HSCRC may review the costs, and rates, quality, and efficiency of facility services, and make any investigation that the commission considers necessary to assure each purchaser of health care facility services that: (1) the total costs of all hospital services offered by or

through a facility are reasonable; (2) the aggregate rates of the facility are related reasonably to the aggregate costs of the facility; and (3) rates are set equitably among all purchasers or classes of purchasers without undue discrimination or preference, except under specified circumstances. HSCRC may review and approve or disapprove the reasonableness of any rate or amount of revenue that a facility sets or requests.

A facility must charge for services only at a rate set in accordance with HSCRC requirements and comply with the applicable terms and conditions of the all-payer model contract. Consistent with the all-payer model contract, in determining the reasonableness of rates, HSCRC may consider objective standards of efficiency and effectiveness.

State Fiscal Effect: The bill expands the jurisdiction of HSCRC to include costs for a facility associated with employing or contracting with physicians or other professional providers for which the facility does not receive corresponding offsetting professional revenue. HSCRC must consider such costs when determining whether a hospital has sufficient resources to meet its financial requirements and when conducting rate-setting activities and developing hospital global budget revenues.

Health Services Cost Review Commission

HSCRC advises that contractual services are required to develop reporting mechanisms to oversee costs incurred by facilities, to implement and evaluate these mechanisms, and to make necessary ongoing refinements and adjustments. As an emergency measure, the bill takes effect upon the signature of the Governor (likely fiscal 2026), and HSCRC anticipates securing contractual services following the enactment of the bill. Therefore, HSCRC special fund expenditures increase by approximately \$350,000 in fiscal 2026, \$250,000 in fiscal 2027, and \$50,000 annually thereafter for contractual services. Federally required changes to rate-setting processes under the AHEAD model beginning in calendar 2028 may also have an indeterminate impact on these estimates.

HSCRC does not currently factor certain physician/provider costs into its rates. HSCRC advises that it is unclear *how* certain physician/provider costs will be incorporated into the commission's rate-setting activities under the bill. HSCRC must first develop a policy for hospitals to report costs, then analyze how such costs may be incorporated into the rate-setting process and development of global budgets. The Department of Legislative Services (DLS) notes that it is unclear if HSCRC will have time to implement new reporting measures, assess hospital data, and make a determination for a new rate-setting process to include certain physician/provider costs prior to the start of fiscal 2027.

Medicaid

Since HSCRC does not currently factor certain physician/provider costs into its rates,

expanding the factors considered in rate setting to include these costs is likely to increase hospital rates. As Medicaid accounts for 20% of hospital payments based on payor mix, to the extent hospital rates increase, Medicaid expenditures also increase.

MDH notes that fiscal 2025 HSCRC data valued the total cost of unregulated physician losses by hospitals at approximately \$1.14 billion. MDH assumes that 20% of those costs (about \$228 million) are currently unfunded, and that 20% of unfunded costs (about \$45.6 million) would be attributable to Medicaid. Thus, should these costs be incorporated into hospital rates, MDH advises that Medicaid expenditures could increase by an estimated \$45.6 million annually (50% general funds, 50% federal funds) beginning in fiscal 2027. Federal fund revenues increase accordingly.

However, DLS notes that any impact on hospital rates will depend on the extent to which additional costs under the bill are incorporated into the rate-setting process and what HSCRC determines is an appropriate amount of funding. Thus, while the impact on Medicaid expenditures may be significant, the amount of any potential rate increase cannot be reliably estimated at this time.

AHEAD Model

DLS further notes that any significant increases in hospital rates to capture physician/provider losses incurred by hospitals will make compliance with the AHEAD model more difficult.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 515 (Senator Beidle) - Finance.

Information Source(s): Maryland Department of Health; Department of Legislative Services

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jg/jc

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